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REMARKS

Claims 1 and 15 are amended. Claim 42 is added. Claims 1-27 and 42 are pending in the application. Claims 10-12, 16, 18-19, 21-23, and 26-27 are withdrawn from consideration. Claims 1-9, 13-15, 17, 20, 24-25 and 42 are currently under consideration.

Applicant acknowledges the withdrawal from consideration of claims 10-12, 16, 18-19, 21-23, and 26-27. Applicant notes however, that the requirement that a base metal be present in an amount of at least 50% by weight as set forth by the Examiner, is in direct contrast with applicant's specification at paragraph 13 which indicates that an M-based alloy has a majority element M which can be present at less than 50% provided that no other element is present at a greater concentration.

Claims 1-7, 9, 13-14, 17, 20, and 24-25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Schussler, U.S. Patent No. 3,592,639. In accordance with MPEP § 2131, anticipation requires each and every element of a claim to be disclosed in a single prior art reference. Claims 1-7, 9, 13-14, 17, 20, and 24-25 are allowable over Schussler for at least the reason that the reference fails to disclose each and every limitation in any of those claims.

Independent claim 1 recites a sputtering component having 99% of a sputtering surface consisting of a single phase corresponding to a solid solution of two or more elements in elemental form. Schussler discloses single phase alloys (col.1, ll. 70 through col. 2, ll. 2). However, Schussler does not disclose the claim 1 recited sputtering surface, the recited solid solution, or the recited solution of two or more elements in elemental form.

Accordingly, claim 1 is not anticipated by Schussler. Further, Schussler does not suggest these recited features and claim 1 is not rendered obvious by Schussler.

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Dependent claims 2-7, 9, 13-14, 17, 20, and 24-25 are allowable over Schussler for at least the reason that they depend from allowable base claim 1.

Claims 8 and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ishihara, Japan Patent No. 01-230767. As amended, each of claims 8 and 15 recite a thin film comprising a single phase solid solution. The amendment to claims 8 and 15 is supported by the specification at, for example, paragraph 53. Ishihara fails to disclose the claims 8 and 15 recited films comprising a single phase solid solution. Accordingly, claims 8 and 15 are not anticipated by Ishihara and are allowable over this reference.

Claim 8 Stands rejected under 35 U.S.C. § 102(b) as being anticipated by Dohjo, U.S. Patent No. 5,170,244. As indicated by the Examiner at page 6 of the Action, Dohjo is relied upon as disclosing tantalum based films containing molybdenum. However, Dohjo fails to disclose the claim 8 recited single phase solid solution and claim 8 is not anticipated by Dohjo.

Claims 8 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schussler. The Examiner is reminded by direction to MPEP § 2143 that a proper obviousness rejection has the following three requirements: 1) there must be some suggestion or motivation to modify or combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the combined references must teach or suggest all of the claim limitations. Claims 8 and 15 are allowable over Schussler for at least the reason that the reference fails to disclose or suggest each and every element recited in either of those claims.

As set forth above, Schussler does not disclose or suggest each and every feature recited in independent claim 1. Nor does Schussler teach or suggest the claims 8 and 15

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recited film comprising a single phase solid solution. Claims 8 and 15 are therefore allowable over Schussler for at least the reasons that they depend from allowable base claim 1 and recite additional elements not suggested by the cited reference.

New claim 42 does not add "new matter" to the application since such claim is fully supported by the specification as originally filed. Claim 42 is supported at, for example, paragraphs 13-14, 39, 64 and 78.

For the reasons discussed above, claims 1-9, 13-15, 17, 20, 24-25 are allowable, and claim 42 is believed allowable. Accordingly, applicant respectfully requests formal allowance of claims 1-9, 13-15, 17, 20, 24-25 and 42 in the Examiner's next action.

Respectfully submitted,

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